

1 HONORABLE THOMAS S. ZILLY
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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT SEATTLE

11 HUNTERS CAPITAL, LLC, et al.,
12

Plaintiffs,

v.

CITY OF SEATTLE,

Defendant.

13 Case No. 20-cv-00983-TSZ
14

STIPULATED MOTION AND [PROPOSED]
ORDER MODIFYING CASE SCHEDULE

NOTED ON MOTION CALENDAR:
August 4, 2022

15 **INTRODUCTION**

16 The plaintiffs (“Plaintiffs”) and the City of Seattle (the “City”) stipulate pursuant to Local
17 Civil Rules 10(g) and 16(b)(6) and for the reasons stated below to modify one deadline in the
18 amended case schedule issued by the Court on June 10, 2022 (Dkt. 98) such that all motions
19 related to discovery must be filed by September 8, 2022 instead of the current August 4, 2022
20 deadline.

21 **ARGUMENT**

22 The parties’ joint request to modify the amended case schedule to extend the deadline for
23 filing discovery motions to September 8, 2022 satisfies the applicable “good cause” standard. *See*
24 Fed. R. Civ. P. 16(b)(4); LCR 16(b)(6). Since the Court issued its order denying Plaintiffs’ motion
25 for class certification (Dkt. 96), the parties diligently have pursued fact discovery specific to

1 Plaintiffs' individual claims against the City, as well as discovery relating to the 11 experts
 2 disclosed by the parties. Some of this discovery, including certain expert and fact witness
 3 depositions and responses to already-served discovery, remains outstanding, necessitating the
 4 requested extension of the current August 4 deadline for filing discovery motions.

5 Specifically, since the Court issued its order on class certification, (1) the City served
 6 subpoenas duces tecum on the tenants for whom the Hunters Capital and Madrona entities are
 7 seeking damages for lost rent and on the owners of the properties for which Redside Partners is
 8 seeking damages for lost property management fees, several of which plaintiffs' counsel now
 9 represent; (2) the Plaintiffs and the City propounded additional discovery requests specific to
 10 establishing or defending against the claims that the City is liable for damages to certain
 11 individual plaintiffs; and (3) the Plaintiffs and the City have noticed approximately one dozen
 12 depositions of fact and expert witnesses. The parties have worked together, in good faith, to timely
 13 complete this discovery and to schedule these remaining depositions, but it appears to be inevitable
 14 that much of the discovery will not be completed until after the current August 4 deadline. These
 15 discovery activities must be completed before the parties will be able to determine the scope of any
 16 appropriate discovery motions. Further, providing the requested extension of the discovery
 17 motions deadline will give the parties additional time to resolve any outstanding discovery issues
 18 without burdening the Court with discovery motions. Consequently, good cause exists to modify
 19 the amended case schedule with respect to the discovery motions deadline.

20 Neither Plaintiffs nor the City will suffer any prejudice from moving the discovery motions
 21 deadline to September 8, 2022. *See Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609
 22 (9th Cir. 1992) (“existence or degree of prejudice” to opposing party “might supply additional
 23 reasons to deny a motion”). The parties also are not aware of any inconvenience to the Court that
 24 would arise from this proposed schedule change. None of the other pre-trial or trial dates in the
 25 Court’s amended scheduling order would need to be changed to accommodate the modified

1 discovery motions deadline, and trial is set to begin on June 26, 2023, nearly 11 months from now.

2 See Dkt. 98.

3 **CONCLUSION**

4 For the above reasons and for good cause shown, the parties jointly move and stipulate to
5 modify the amended case schedule (Dkt. 98) such that all motions related to discovery must be
6 filed by September 8, 2022 instead of the current August 4, 2022 deadline.

7 **STIPULATED AND AGREED TO** this 4th day of August, 2022.

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ORDER

In consideration of the parties' foregoing Stipulated Motion, the Court hereby orders that the Amended Case Schedule (Dkt. 98) shall be modified. All motions related to discovery must be filed by September 8, 2022.

IT IS SO ORDERED.

Dated this _____ day of _____, 2022.

Thomas S. Zilly
United States District Judge

Presented by:

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